Nikah (Marriage) In Islam
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Nikâh - Marriage

1. *Nikâh* is a great bounty from Allah Ta'âlâ. The affairs of this world and the hereafter are put in order through marriage. There is a lot of wisdom and many benefits in marriage. A person saves himself from sinning and his heart is put at ease. He does not have any evil intentions and his thoughts do not begin to wander and stray. The greatest virtue is that there are only benefits and only rewards in this. This is because a husband and wife's sitting together and engaging in a loving conversation, joking with each other, etc. is better than *nafl salât*.

2. A marriage can be executed by just two words, e.g. a person says the following words in the presence of witnesses : "I give my daughter to you in marriage." The person who is addressed replies : "I accept her in marriage." In so doing, the marriage is valid and both of them are lawful husband and wife. However, if the person has several daughters, the *nikâh* will not be executed by his uttering the words mentioned above. He will have to mention the daughter by name, e.g. he says : "I give my daughter, Qudsiyyah, to you in marriage", and the person replies : "I accept her in marriage."

3. A person says : "Give so-and-so daughter of yours to me in marriage." The father replies : "I give her to you in marriage." In so saying, the *nikâh* will be valid irrespective of whether he says that he accepts or not. (In other words, it is not necessary for the word "accept" to be mentioned).

4. If the daughter is present and the father says : "I give this daughter of mine in marriage to you", and the person replies : "I accept her", the *nikâh* will be valid. It will not be necessary to mention her name.

If the girl is not present, it is necessary to mention her name and the name of her father in such a loud tone that all the witnesses are able to hear. If the people do not know the father and there is a strong possibility that by mentioning his name they

will still not know whose *nikâh* is being performed, then it will be necessary to mention the name of the grand-father as well. In other words, such identification is necessary whereby those present immediately know whose *nikâh* is being performed.

5. In order for a *nikâh* to be valid, it is also essential for at least two males or one male and two females to be present, to hear the *nikâh* being performed, and to hear the two words (i.e. the offer and the acceptance) being uttered. Only then will the *nikâh* be valid. If two persons sit together in privacy and one says to the other : "I give my daughter to you in marriage" and the other person replies : "I accept your daughter", the *nikâh* will not be valid. Similarly, if the *nikâh* was performed in the presence of one person only, even then the *nikâh* will not be valid.

6. If there are no males present, but only females, the *nikâh* will not be valid even if there are ten females present. Together with two females, one male has to be present.

7. If there are two males but they are not Muslims, the *nikâh* will not be valid. Similarly, if both are Muslims but both or one of them is immature, the *nikâh* will not be valid. Similarly, if there is one male and two females but both or one of the females is immature, the *nikâh* will not be valid.

8. It is preferable to perform the *nikâh* in a large gathering such as after the *jumu'ah salât* in a *jumu'ah musjid* or in any other large gathering. This is so that the *nikâh* will be well announced and the people will become aware of the *nikâh*. A *nikâh* should not be performed in secret and privacy. However, if due to some reason many persons are unable to attend, then at least two males or one male and two females who hear the *nikâh* being performed in their very presence should be present.

9. If both the man and woman are mature, they can perform their own *nikâh*. All that they have to do is say the following in the presence of two witnesses : One of them must say : "I am making my *nikâh* with you" and the other must say : "I accept." In so doing, the *nikâh* will be valid.

10. If a person does not make his *nikâh* himself, but asks someone to perform his *nikâh* with someone, or, he mentions the name of the person with whom he wishes his *nikâh* to be performed and this person performs this *nikâh* in the presence of two witnesses - the *nikâh* will be valid. Even if this person rejects or denies this later, the *nikâh* will still be intact.

Persons with whom Nikâh is Harâm

1. Marriage with one's children, grand-children, great grand-children, etc. is not permissible. Nor is marriage with one's parents, grand-parents, maternal grand-parents, etc. permissible.

2. Marriage with one's brothers, uncles and nephews is not permissible. According to the *Sharî'ah*, a brother is one whose mother and father is the same, or they have one father but two mothers, or one mother but two fathers. They are all brothers. But if the father is different, and the mother is also different; that person will not be a brother. *Nikâh* with him will be valid.

3. Marriage with one's son-in-law is not permissible. This is irrespective of whether the daughter is already living with him or not. In all cases, *nikâh* with him is *h̲arâm*.

4. A girl's father passed away. Her mother married another person. However, before the mother could even live with her new husband, she passed away or he divorced her. In such a case, the girl can marry this step-father of hers. However, if the mother lived with him, it will not be permissible for this girl to marry him.

5. *Nikâh* with one's step-children is not valid. In other words, if a man has several wives, then one of the wives cannot marry the children of the co-wives. This is irrespective of whether she had lived with her husband or not. *Nikâh* with these children is prohibited under all circumstances.

6. It is not permissible for a woman to marry her father-in-law or even the father or grand-father of her father-in-law.

7. As long as a sister is married to her husband, it is not permissible for another sister to marry this brother-in-law of hers. However, if her sister passes away or he divorces her and she completes her *iddah*, it will be permissible for the other sister to marry her brother-in-law. In the case where the brother-in-law divorces the first sister, it is not permissible for the second sister to marry her brother-in-law until her sister completes her *iddah*.

8. If two sisters marry one person, the marriage of the sister whose *nikâh* was performed first will be valid while the marriage of the sister whose *nikâh* was performed later will not be valid.

9. A man married a woman. As long as he remains married to her, he cannot marry her maternal and paternal aunts and nieces.

10. If the relationship between two women is such that if we had to regard one of them as a man, their *nikâh* will not be valid, then such two women cannot marry a person at the same time. When one of them passes away or one of them is divorced and completes her *iddah*, only then will it be permissible for the person to marry the other woman.

11. If a woman and her step-daughter marry a person at the same time, the *nikâh* will be valid.

12. Adoption is not considered in the *Sharî'ah*. By adopting a boy, he does not become one's son. It is therefore permissible to marry one's adopted son.

13. If a man is not one's real uncle but he becomes an uncle through some other distant relationship, marrying him is permissible. Similarly, if a man happens to be one's paternal uncle or nephew through some distant relationship, *nikâh* with him is permissible. *Nikâh* with one's cousins is also valid irrespective of whether they are paternal or maternal cousins.

14. Two women who are not blood sisters but are maternal or paternal cousins are permitted to marry one man at the same time. In the presence of such a cousin, another cousin can also marry the same man. The same rule applies to a very

distant maternal or paternal aunt. That is, the niece and this distant maternal or paternal aunt can marry the same man at one time.

15. All the relations which become *h̲arâm* on account of lineage also become *h̲arâm* on account of breast-feeding. In other words, if a girl is breast-fed by a particular woman, then this girl cannot marry the latter's husband because he will now be regarded as her father. A girl who has been breast-fed by a particular woman cannot marry a boy who has been breast-fed by the same woman. Nor can this girl marry the children of this woman because she is also regarded as a child of this woman. All the maternal and paternal uncles and maternal and paternal nephews who become related due to this breast-feeding also become *h̲arâm* on this girl.

16. If two girls have been breast-fed by one woman, they cannot marry the same man at one time. In other words, whatever has been explained previously, will also apply to relations based on breast-feeding.

17. A man committed adultery with a certain woman. Now it will not be permissible for her mother or her children to marry this man.

18. Due to the passions of youth, a woman touched a man with evil intentions. It will now not be permissible for her mother or her children to marry this man. Similarly, if a man touches a woman with evil intentions, her mother and her children will be *h̲arâm* on him.

19. In the middle of the night, a man decided to awaken his wife. However, he mistakenly touched his daughter or his mother-in-law. Thinking them to be his wife, he touched them with the passions of youth. Now, this man will become *h̲arâm* on his wife forever. There is no way in which she can become permissible for him. It will be necessary for him to divorce his wife.

20. If a boy touches his step-mother with an evil intention, she will become *h̲arâm* on her husband. There is no way in which she can be *h̲alâl* for him. If the step-mother touches her step-son with an evil intention, the same rule will apply.

21. A Muslim woman cannot marry a man who belongs to any other religion. She can only marry a Muslim man.

22. A woman's husband divorced her or he passed away. As long as she does not complete her *iddah*, she cannot marry anyone else.

23. Once a woman marries a man, she cannot marry another person unless and until she is divorced by this person and also completes her *iddah*.

24. If a woman is not married and she falls pregnant due to adultery, it will be permissible to marry her. However, it will not be permissible to have intercourse with her until she delivers the child. But if the woman marries the same person who had committed adultery with her, it will be permissible for the person to have intercourse with her.

25. If a person has four wives, he cannot marry a fifth woman. If he happens to divorce one of his four wives, another woman cannot marry him until the one who is divorced completes her *iddah*.

26. The marriage of a *Sunnî* girl with a *Shî'ah* man is not permissible according to the majority of the *'ulamâ*.

The Wali or Legal Guardian

The person who has the power or choice of getting a boy or girl married is called a *wali*.

1. The first *wali* of a boy or girl is their father. If the father is not present, the grand-father becomes their *wali*. If he is not present, then the great grand-father. If none of them are present, the blood-brother becomes their *wali*. If he is not present, then the step-brother, i.e. brothers from one father. Thereafter, the nephew, thereafter the nephew's son; and thereafter, the nephew's grand-son. If none of them are present, the blood uncle becomes their *wali*. If he is not present, then the step-uncle, i.e. the step-brother of their father. Thereafter, the son of the blood uncle and thereafter his grand-son. Thereafter, the son of the step-uncle and thereafter his grand-son. If none of them are present, the father's uncle becomes their *wali*; and thereafter his children. If the father's uncle, his children and grand-children are not present; then the grand-father's uncle becomes their *wali*. Thereafter, his children, grand-children, and great grand-children.

If none of them are present, the mother will be their *wali*. Thereafter, the paternal grand-mother, then the maternal grand-mother and then the maternal grand-father. Thereafter, the blood-sister and then the step-sister, i.e. sisters from one father. Thereafter, the step-brother and then the step-sister who is from one mother. Thereafter, the paternal aunt, then the maternal uncle, and then the maternal aunt.

2. An immature person cannot become a *wali* of anyone. A *kâfir* cannot be a *wali* for any Muslim, nor can a lunatic be a *wali* for anyone.

3. A mature girl has the choice to marry or not to marry. She can marry whomsoever she wishes - no one can force her to marry a particular person. If she marries a person on her own, the *nikâh* will be valid irrespective of whether the *wali* is informed or not, and irrespective of whether the *wali* gives his consent or not. In all cases the *nikâh* will be valid. However, if she does not marry a person who is of the same social standing as her, and instead, marries a person who is of a lower standing than her family, and her *wali* is not happy about this marriage, then the *fatwâ* in this case is that the *nikâh* will not be valid.

If she marries a person who is in the same social standing as her, but the *mahr* that she receives is less then what is normally fixed in her paternal grandfather's family, then although the *nikâh* will be valid, the *wali* will have the right to annul this marriage. The *mahr* that is normally fixed in her paternal grandfather's family is known as *mahrul mithl*. The *wali* can go to a Muslim court and have such a marriage annulled. However, it should be borne in mind that this right of annulment is only possessed by all those *walis* whom we had mentioned before the mother. In other words, from the father onwards till the children of the grand-father's uncle.

4. A *wali* performed the *nikâh* of a mature girl without asking her or without seeking her consent. The validity of such a *nikâh* will be dependent on her permission and consent. If she grants her permission, the *nikâh* will be valid. If she does not grant her permission or is not happy, the *nikâh* will not be valid. The method of granting permission is mentioned in the next *mas'ala*.

5. The *wali* came and informed a young virgin girl that he intends performing her *nikâh* with a certain person, or that he has already performed her *nikâh* with a certain person. Upon hearing this, she remained silent, began smiling or began to cry. All these responses of her's will be considered to be a permission and a consent. Now, if the *wali* performs her *nikâh*, it will be valid. If he has already performed it, it will also be valid. It is not a prerequisite for her to give a verbal permission. Those who force a girl in giving a verbal permission are in error.

6. At the time of seeking her permission, the *wali* did not mention the name of her future husband, nor did she have any prior knowledge of him. In such a case, her silence will not be considered to be a form of consent, nor will it be considered to be a form of granting permission. It is necessary to mention the boy's name or some other form of identification whereby the girl can understand that the *wali* is referring to a particular person. Similarly, if the *wali* performed the *nikâh* without mentioning the amount of *mahr* to her and it was far less than the *mahrul mithl*, the *nikâh* will not be valid without her permission. He will have to seek her permission again.

7. The girl is not a virgin, and instead had married previously and this is her second marriage. When the *wali* asks her or seeks her permission for this second marriage, her mere silence will not be considered to be a form of granting permission. Instead, she will have to give a verbal reply. If she does not give a verbal reply and remains silent, and despite this the *wali* performs her *nikâh*, then her *nikâh* will be in abeyance. Later, if she gives a verbal permission, the *nikâh* will be valid. If not, it will not be valid.

8. Despite the father being present, the uncle, brother or any other *wali* sought the permission of a virgin girl. If she remains silent, it will not be considered to be a form of granting permission. Only when she gives a verbal permission will it be considered. However, if the father sent these persons to seek her permission, her silence will be considered to be a form of consent. In short, the *wali* who is given the first preference in the *Sharî'ah* and who has the most right to seek permission from the girl - when he asks her or when someone who has been sent by him asks her, then only will her silence be considered to be a form of consent. If the grand-father had the right of asking her, and instead the brother asked her; or if the brother had the right of asking her and instead she was asked by her uncle, then in such a case her silence will not be considered to be a consent.

9. A *wali* performed the *nikâh* of a girl without asking her and without obtaining her consent. After the *nikâh*, the *wali* or his messenger came and informed the girl that her *nikâh* with a particular person has been performed. In such a case, if she remains silent, this will be a permission on her part and the *nikâh* will be valid. But if someone else comes and informs her, and this person is a pious, reliable person, or two persons come and inform her, then by her remaining silent the *nikâh* will be valid. But if there is only one person who informs her and he is an unreliable person, then by her remaining silent the *nikâh* will not be valid. Instead, it will be held in

abeyance. When she gives a verbal reply or any other form of granting permission is found, then only will the *nikâh* be valid.

10. Upon being informed of her *nikâh*, the girl did not give a verbal reply although it was necessary for her to give a verbal reply. However, when her husband approached her she did not refuse him from engaging in sexual intercourse with her. Even in this case, the *nikâh* will be valid.

11. The same rules apply to a mature boy, i.e. he cannot be forced into a marriage nor can the *wali* perform his *nikâh* without his permission. If his *nikâh* is performed without his permission, it's validity will be dependent on his permission. If he expresses his consent, his *nikâh* will be valid. If not, it will not be valid. However, it should be borne in mind that the boy's silence is not considered to be a form of granting permission. He will have to give a verbal reply.

12. If a boy or a girl are immature, they do not have their own choice. Their *nikâh* is not valid without a *wali*. If a boy (or girl) performs his *nikâh* on his own or someone else performs it, it will be dependent on the permission of the *wali*. If the *wali* grants permission, the *nikâh* will be valid. If not, it will not be valid. The *wali* has full rights over such a boy or girl. He can get them married to whoever he wishes and refuse whoever he wishes. Immature girls and immature boys cannot reject such a *nikâh* at that time. This is irrespective of whether the girl is a virgin or had been married previously and had also been sent to her (first) husband's home - the same rule will apply.

13. If the father or grand-father perform the *nikâh* of an immature girl or boy, they do not have the right to reject or repudiate this *nikâh* even after they become mature. This is irrespective of whether the marriage was executed with a person who is of the same social standing or with a person of a lower class, and irrespective of whether the *nikâh* was performed with *mahrul mithl* or whether it was far less than the *mahrul mithl*. In all cases the *nikâh* will be valid and they cannot reject or repudiate this *nikâh*.

14. If a *wali* other than the father or grand-father performed the *nikâh*, and it was performed with a boy of the same social standing and the *mahrul mithl* was also given, then in such a case the *nikâh* will be valid. However, after reaching the age of maturity, she has the right to endorse this *nikâh* or to go and complain to a Muslim judge and have this marriage annulled.

But if the *wali* performed her marriage with a person of a lower social standing or accepted a *mahr* which was far less than the *mahrul mithl*, the *nikâh* will not be valid from the very outset. Similarly, if the *wali* performed the *nikah* of a boy with a *mahr* which was far more than the *mahrul mithl* of the girl, the *nikâh* will not be valid from the very outset.

15. A *wali* other than the father or grand-father had performed the *nikâh* of an immature girl who also had knowledge of this *nikâh*. Thereafter, she became mature and until then her husband hadn't had any sexual intercourse with her. In such a case, the moment she becomes mature, she must mention her discontent with regard to marrying this person. She must clearly state that she is not happy. Alternatively, she could say that she does not wish to continue with this marriage. This could be said in the presence of others or in privacy where she is all alone. But

she has to mention it verbally. However, by her merely saying this, the *nikâh* will not be annulled. She will have to go to a Muslim judge, he will *annul* the marriage, and only then will it be annulled.

Once she becomes mature and allows even a moment to pass in which she does not mention her discontent, she will not have the choice of having her *nikâh* annulled.

But if the girl did not have any knowledge of this *nikâh* and only learnt of it after becoming mature, then the moment she is informed, she will immediately have the right to reject the *nikâh*. If she remains silent for even a moment, she will forfeit this right to reject the *nikâh*.

16. If her husband engaged in sexual intercourse with her, and thereafter she becomes mature, it is not necessary for her to reject the *nikâh* immediately after becoming mature or after being informed. Instead, as long as she does not express her consent and happiness, she will have the choice of rejecting or accepting irrespective of how much time lapses. However, if she clearly states that she is happy about this marriage, or her consent is made apparent in some other way such as being in solitude with her husband like any other normal husband and wife, then she will have no choice and this *nikâh* will become entrenched.

17. The person who is most entitled of being the *wali* of an immature girl is gone to a foreign country. He is so far away that if the rest of the family had to await his arrival in order to consult him, the girl will lose this opportunity. Furthermore, the person who has come with the proposal is not prepared to wait for so long and it will be difficult for the girl to receive a similar proposal. In such a case, the person who is next in line to become her *wali* can also perform her *nikâh*. If he performs the *nikâh* without consulting the girl, it will be valid. But if the first *wali* is not very far away, her *nikâh* should not be performed without consulting him. If it is performed, it will be dependent on his permission. Once he grants his permission, the *nikâh* will be valid.

18. Similarly, if the second *wali* performs the *nikâh* of an immature girl despite the most rightful *wali* being present, it will be dependent on his permission. For example, if the grand-father performs the *nikâh* without consulting the father despite the latter being present, it will be dependent on the father's permission. If the right belonged to the brother but the *nikâh* was performed by the uncle, it will be dependent on the brother's permission.

19. A woman became a lunatic and lost her sanity. She has a mature son and a father as well. If her *nikâh* has to be performed, her *wali* will be her son because the son is more entitled of being a *wali* than the father (father of the woman).

The Question of Compatibility or *Kufu'*

1. The *Sharî'ah* has taken great precautions in ensuring that *nikâh* with an incompatible person or a person of a lower social standing does not take place. In other words, do not perform the *nikâh* of a girl with a man who is not equal to her in status or who is of no match to her.

2. Compatibility or equality is considered in several factors : (1) lineage, (2) Islam, (3) piety, (4) wealth, (5) profession or occupation.

Equality in Lineage

1. Equality in lineage is that the *Shaykh, Sayyid, Ans̲âri*, and *'Alawi* are all equal to each other. In other words, although the status of a *Sayyid* is more than the others, if the daughter of a *Sayyid* marries a *Shaykh* boy; it will not be said that she did not marry someone who is of her family relations. Instead, it will also be regarded as if she has married one of her relatives.

2. In matters of lineage, the lineage of the father is considered and not the mother. If the father is a *Sayyid*, the son is also a *Sayyid*; and if the father is a *Shaykh*, the son is also a *Shaykh* - irrespective of what the mother may be. If a *Sayyid* marries a woman who is not a *Sayyid*, their son will be regarded as a *Sayyid*. This son will be equal in status to all other *Sayyids*. Although the son whose father and mother are both from a noble family is respected more, according to the *Shariah* they will all be regarded as relatives or of the same social standing.

3. The *Moghuls* and *Pathans* are regarded as one nation and are not of the same class as that of the *Sayyids* and *Shaykhs*. If the daughter of a *Sayyid* or *Shaykh* gets married with one of them, it will be said that she married someone who is of a lower social standing than her.

Equality in being a Muslim

1. Equality in being a Muslim is only considered among the *Moghuls, Pathans*, and other non-Arab nations. There is no consideration of this among the *Shaykhs, Sayyids, 'Alawis*, and *Ans̲âris*. A man who accepts Islam and his father was a *kâfir* cannot be on par or equal to a woman who is a Muslim and her father was also a Muslim. The man who is a Muslim, his father is also a Muslim, but his grandfather was a *kâfir*; cannot be equal to a woman whose grandfather was also a Muslim.

2. A man whose father and grandfather were Muslims, but his great grandfather was a *kâfir* will be regarded as equal to a woman whose several forefathers were Muslims. In short, this equality is only considered till the grandfather. Equality beyond the grandfather, such as the great grandfather and beyond him is not considered.

Equality in Piety

Equality in piety means that a man who does not follow the dictates of the *Sharî'ah* - who is a wicked person, a scoundrel, an alcoholic, a shameless person - will not be considered to be equal to a pious, chaste and religious woman.

Equality in Wealth

Equality in wealth means that a person who is an absolute pauper cannot be compatible to a rich woman. If the man is not an absolute pauper, but is capable of giving that amount of *mahr* that is normally given on the first night and is also capable of giving her maintenance, then he will be regarded to be equal to her in status even if he is unable to give the entire amount of *mahr*. It is not necessary for

the man to be in exactly the same financial position as that of the woman. Nor is it necessary for him to be close to that financial position.

Equality in Occupation

1. Equality in occupation is that, e.g. weavers are not regarded as equal to tailors and are accorded a status that is lower than that of tailors. Similarly, barbers, washermen, etc. are not regarded as being equal to tailors, but are regarded as being lower than tailors.

2. A mad, lunatic person cannot be equal to an intelligent, understanding woman.

Mahr - Dowry

1. Once a *nikâh* is performed, it will be valid irrespective of whether mention of any *mahr* was made or not. Despite it being valid, one will have to give the *mahr*. In fact, if a person makes the condition that he will not give any *mahr* and that he is marrying the woman without any *mahr*, he will still have to give the *mahr*.

2. The minimum *mahr* is 10 *dirhams* and there is no limit to the maximum amount of *mahr*. The woman can stipulate as much as she wishes. However, it is not good to stipulate a very high figure. If a person gives an amount less than 10 *dirhams* or its equivalent, he will have to give the balance as well because *mahr* cannot be an amount less than the minimum. If the husband divorces his wife (in this case) even before she can come and live with him, he will have to give half of the minimum.

3. A person stipulated R20, R100, R1000, or any other amount according to his financial position. The woman thereafter came and lived with him. He also had sexual intercourse with this wife of his. Alternately, he did not have intercourse with her, but he and his wife were able to meet in privacy where no one or nothing stopped them or prevented them from engaging in sexual intercourse. In both these cases, it will be *wajib* on the person to fulfil the full amount of the stipulated *mahr*. If none of the above transpired between them, and one of them passed away, it will still be *wâjib* to fulfil the entire *mahr*. Furthermore, if none of the above transpired between them, and the man divorced her, it will be *wâjib* on him to fulfil half the stipulated *mahr*.

In short, if the husband and wife meet in privacy, as mentioned above or one of them passes away, the entire *mahr* becomes *wâjib*. And if the husband divorces her prior to them being in privacy and seclusion, it will be *wâjib* to fulfil half the stipulated *mahr*.

4. If one of them was ill, keeping a fast of *Ramadân*, in the *ihrâm* of *hajj*, the woman was in her *hayd* or there was someone who was peeping at them or intruding on their privacy, and they met in private or seclusion in any of the above situations, then this privacy or seclusion of their's is not considered. If they meet each other in any of the above situations or circumstances, the total amount of *mahr* will not become *wâjib*. If the husband divorces her, it will be her right to receive half the total *mahr*. However, if the fast was not a fast of *Ramadân*, instead it was a *qadâ, nadhr*, or *nafl* fast, and this was being kept by one of them, then in such a case if they happened to meet in privacy and seclusion, the wife will have the right of

receiving the full amount of the *mahr*. It will be *wâjib* on the husband to fulfil the full amount.

5. The husband is impotent, however, both of them met in privacy and seclusion. The wife will still receive the full *mahr*. Similarly, if the husband is a hermaphrodite and they meet in privacy and seclusion and thereafter he divorces her, she will receive the full *mahr*.

6. The husband and wife met in privacy and seclusion but the wife is so young that she is incapable of sexual intercourse. Alternately, the husband is so young that he is incapable of sexual intercourse. If they meet in privacy and seclusion in such a case, the full *mahr* will not be *wâjib*.

7. If no mention whatsoever of the *mahr* was made at the time of the *nikâh*, or the *nikâh* was performed on the condition that the woman will not receive any *mahr*, and thereafter one of them passed away or they met in privacy - that is regarded as a valid privacy in the *Sharî'ah* - even then the *mahr* will have to be fulfilled. However, in such a case, the *mahrul mithl* will have to be paid.

In the above case, if the husband divorced his wife prior to being in seclusion with her, she will have no right to receive any *mahr*. Instead, she will only receive a set of clothing. It is *wâjib* on the man to give this to the woman. He will be sinning if he does not do so.

8. When giving this set of clothing, only four items are *wâjib* on the man : a dress, a scarf, a pants, and a sheet which can cover her body from head to toe. Apart from these items it is not *wâjib* to give any other clothing.

9. The clothing that the man gives should be according to his financial position. If the man is poor, he should give cotton clothing. If he is of a middle class, he should give silk that is of an inferior quality. If he is very rich, he should give silk clothing that is of a very high quality. However, it should be borne in mind that in all these circumstances the clothing that is given should not be more than half the *mahrul mithl* in value. At the same time, it should not be less than 5 *dirhams* in value.

In other words, it is not *wâjib* on the man to give clothing which is very expensive and which exceeds half the *mahrul mithl* in value. However, it is permissible for him to give clothing that is more than the stipulated amount provided that he gives it happily and out of his own will.

10. At the time of the *nikâh* no *mahr* was stipulated. However, after the *nikâh*, the husband and wife agreed upon a specific amount as *mahr*. In such a case, *mahrul mithl* will not have to be given. Instead, the amount that they had agreed upon will have to be given. But if the husband divorced his wife prior to their meeting in privacy and seclusion, she will not have any right of receiving any *mahr*. Instead, she will only receive the clothing that had been mentioned previously.

11. A person stipulated R100, R1000 or any other amount according to his financial position. Thereafter the husband decided to give more than the original amount that was stipulated. This he did voluntarily and out of his own good will. For example, the stipulated *mahr* was R100, but he decided to give R150. Whatever additional amount

he decides to give will now become *wâjib* upon him. If he does not give it, he will be sinning. But if he divorces her prior to meeting in privacy and seclusion, he will have to give half of the original amount that was stipulated. The additional amount that he had decided to give will not be calculated.

Similarly, if the wife happily and willingly reduces the amount of *mahr*, it will be considered to be reduced. If she absolves him from paying the entire amount, it will be absolved. Now she has no right to claim it.

12. If the husband pressurized her into reducing the *mahr* or instilled some fear into her so that she reduces the *mahr*, then by her reducing or forgiving her husband, it will not be considered to be forgiven. It will still be *wâjib* upon him to fulfil the *mahr*.

13. No cash, gold or silver was stipulated for the *mahr*. Instead, a small village, a farm or some land was stipulated. This is permissible. The farm, land, etc. that was stipulated will have to be given.

14. A horse, elephant or any other animal was stipulated as *mahr*. However, a specific horse or a specific elephant was not stipulated. This is also permissible. In such a case an average horse which is not too cheap nor too expensive will have to be given. Alternatively, it's value in cash could be given. However, if an animal was stipulated without specifying the type of animal, this will not be valid. *Mahrul mithl* will have to be given.

15. A couple got married in an unlawful way and the husband and wife were therefore made to separate. For example, they got married in secret without the presence of two witnesses. Alternately, two witnesses were present but they were deaf and were therefore unable to hear the words that make a *nikâh* valid. Alternatively, a man had divorced his wife or he had passed away. Prior to completing her *iddah*, the woman married another man. Or some other form of unlawful marriage had taken place and the husband and wife were therefore made to separate. However, in all these cases, the man did not have any sexual intercourse with this woman. In such a case, she will not receive any *mahr*. In fact, even if they met in privacy and seclusion, she will still not be eligible to receive any *mahr*. But if sexual intercourse had taken place, she will receive *mahrul mithl*. However, if at the time of *nikâh* some *mahr* had been stipulated and this *mahr* is less than the *mahrul mithl*, then she will receive the *mahr* that had been stipulated at the time of the *nikâh* and not the *mahrul mithl*.

16. A person had sexual intercourse with a woman after mistaking her for his wife. He will have to give her *mahrul mithl* as well, and this intercourse with her will not be regarded as adultery *(zinâ)* nor will there be any sin. In fact, if the woman falls pregnant, the lineage of the child will be in order. It will not be tainted and it is not permissible to label the child as being illegitimate. The moment the man realizes that this is not his wife, he should immediately separate himself from her and it will not be permissible for him to continue with the intercourse. It is also *wâjib* on this woman to observe the *iddah*. It is not permissible for her to stay with her husband or to engage in sexual intercourse with him. The rules related to *iddah* will be mentioned in a later chapter - *Inshâ' Allah*.

17. If in a certain place or country, the norm is that the entire *mahr* must be given on the first night, then the woman has the right to demand the *mahr* on the first

night. If she does not ask for it on the first night, she can ask for it whenever she wishes and it will be *wâjib* on the husband to give it to her. He cannot delay in fulfilling the *mahr*.

18. The practice in India is that the paying and receiving of *mahr* is undertaken after divorce or after death. When the woman is divorced, it is only then that she claims her *mahr*. Alternatively, when the husband dies and leaves behind some wealth, she takes her *mahr* from this left over wealth of his. If the woman dies, her inheritors claim the *mahr*. As long as the husband and wife are living together, no one pays the *mahr* nor does she ask for it. In such a situation, the woman cannot demand the *mahr* before divorce. However, it is *wâjib* on the man to give an amount that is normally given in that place on the first night. But if all these practices are not found in any place, these rules will not apply.

19. If the husband does not give the amount of *mahr* that is normally given beforehand, the wife has the right to refuse him to engage in sexual intercourse with her until he pays that amount. If they engaged in intercourse once, she still has the right of refusing him the next time or the following time if he does not pay the *mahr*. If he wishes to take her to another city or country, she has the right of not going unless her *mahr* is paid. Similarly, if the *mahr* is not paid and the woman wishes to travel to another city or country, or wishes to go to her parents home, and there is a *mahram* who can take her, then the husband does not have the right to stop her. But once he pays the *mahr*, she does not have the right to do any of these things without her husband's permission. It is not permissible for her to go anywhere without his consent. As for the husband, he can take her wherever he wishes. It is not permissible for her to refuse him.

20. The husband gave some item (or cash, gold, silver, etc.) to his wife with the intention that it is *mahr*. Whatever he gives will be regarded as part of the *mahr*. It is not necessary for him to inform his wife at the time of giving it to her that he is giving her *mahr*.

21. The man gave an item to his wife. She claims that the item was given as a gift and not as *mahr* while the man claims that he gave it as *mahr*. In this case, the husband's claim will be considered. However, if the item was such that it is consumed as food or drink, it will not be considered to be *mahr* and the husband's claim will not be considered.

Mahrul Mithl

1. Family *mahr* or *mahrul mithl* is determined in the following way : look at any woman in the girl's father's family who is similar or equal to this girl. That is, if the girl is young, the woman must also be young at the time of marriage. If the woman is beautiful, this girl must also be beautiful. If the woman's marriage had taken place when she was a virgin, this girl's marriage must also take place while she is a virgin. The wealth that this girl possesses at the time of her *nikâh*, that woman also had possessed the same at the time of her *nikâh*. The place or locality from which this girl is, that woman must also be from the same place. If this girl is religious-minded, intelligent, well-mannered and educated, that woman must also be the same. In short, this girl whose *nikâh* is being performed now, must also possess the qualities that that woman possessed at the time of her *nikâh*,. If they share the same

qualities, then the *mahr* that was stipulated for that woman will be the *mahrul mithl* for this girl.

2. Women of the girl's father's family refer to the girl's sisters, paternal aunts, cousins (children of paternal uncles), etc. In other words, girls or women who are connected to her paternal grandmother. When determining the *mahrul mithl*, the *mahr* of the mother is not considered. However, if her mother is also of the same family as that of her father's, e.g. if her father marries his cousin (paternal uncle's daughter), then the mother's *mahr* will also be regarded as *mahrul mithl*.

The Marriages of the Kuffâr

1. The different forms of marriage in the different religions are recognized in the *Sharî'ah*. If both, husband and wife, accept Islam, there is no need to repeat their *nikâh*. The *nikâh* that they had performed as *kuffâr* will still be valid.

2. If the husband or the wife accepts Islam and the other partner does not accept, their *nikâh* will be annulled. It will not be permissible for them to live as husband and wife.

3. If the wife accepts Islam and not the husband, then as long as the wife does not complete three *hayd* periods, it will not be permissible for her to marry another person.

Equality among Wives

1. If a person has more than one wife it is *wâjib* upon him to treat each one equally. Whatever he gives to one wife, the other wife also has the right to claim something equal to that in value. This rule of equality applies to all types of wives, i.e. whether both were virgins at the time of marriage, both were previously married or one was a virgin at the time of marriage while the other had been previously married. If he spends one night with one wife, he will have to spend one night with the other wife as well. If he spends two or three nights with one wife, he will have to do the same with the other wife as well. Whatever wealth, jewellery, clothes, etc. he gives to one wife, the other wife also has the right to claim something equal to that in value.

2. If a person marries a second woman, the rights of this new wife and the rights of the old wife are the same. There is no difference in rights between the two.

3. Equality is based on spending the night and it is not necessary to spend an equal time with them during the day. If a person spends more time with one wife during the day and less time with the other, there is no harm in this. However, it is *wâjib* to spend an equal time with them at night. If a person goes to one wife immediately after *maghrib*, and the following day he goes to the other wife after *'ishâ*, he will be sinning. However, if a person's occupation is such that he works at night and remains at home during the day; for him, the basis of equality will be the day. For example, a night watchman or guard will have to base his equality with his wives according to the day and not the night.

4. There is no equality in engaging in sexual intercourse in the sense that if a person engages in sexual intercourse with one wife, it is not necessary for him to engage in sexual intercourse with the other wife as well.

5. The man has to maintain equality in allocating nights to his wives irrespective of whether he is ill or not.

6. There is no sin in loving one wife more than the other because these matters are connected to the heart and one does not have any control over one's heart.

7. Equality is not *wâjib* when embarking on a journey. The husband can take whichever wife he wishes. However, it is preferable to cast a lot and to take the wife in whose favour the lot was drawn. In this way there will be no unhappiness or disgruntlement.

The Virtues and Rights of Marriage

1. It is mentioned in a Hadîth that this world has been created to be utilised and that of all the things that are utilised in this world, there is nothing better than a pious woman. In other words, if a person is fortunate enough to get a pious wife, it will be a great blessing. It is also a mercy from Allah Ta'âlâ that she is actually a comfort for the husband and a means for his success in this world and in the hereafter. A person enjoys comfort from such a woman for his worldly needs and she also assists him in fulfilling his religious duties.

2. It is mentioned in a Hadîth that Rasûlullâh *sallallâhu 'alayhi wa sallam* said : "Marriage is my way and my *sunnah*." "The one who does not act upon my *sunnah* is not of me." That is, there is no relationship between him and me. This is actually a warning and a threat to the one who does not practice on the *sunnah* and a mention of Rasûlullâh's *sallallâhu 'alayhi wa sallam* anger on such a person. It is therefore necessary to be extremely cautious in this regard. Furthermore, how can a Muslim bear to have Rasûlullâh *sallallâhu 'alayhi wa sallam* displeased with him for even a moment. May Allah Ta'âlâ grant us death before that day comes when a Muslim is able to bear the displeasure of Allah and His Rasûl *sallallâhu 'alayhi wa sallam*.

It is mentioned in a Hadîth that Rasûlullâh *sallallâhu 'alayhi wa sallam* said : "Marry so that I can be proud (of your numbers) on the day of judgement over the other nations." In other words, Rasûlullâh *sallallâhu 'alayhi wa sallam* likes his *'ummah* to be in large numbers and more than the other nations. If this happens, his *'ummah* will be carrying out more good deeds, and in so doing he will receive more rewards and gain closer proximity to Allah Ta'âlâ. This is because whoever from his *'ummah* does good deeds, does so through his teachings. Therefore, the more people who act on his teachings, the more reward he will receive for conveying those teachings. We also learn from this that whenever and however possible, we should undertake to carry out those tasks and actions that will take us closer to Allah Ta'âlâ, and that we should not display any laziness in this regard.

It is mentioned in a Hadîth that on the day of judgement the people will be standing in 120 lines. Out of these, 40 lines of people will be from the other nations while 80 lines of people will be from the *'ummah* of Rasûlullâh *sallallâhu 'alayhi wa sallam*. Glory be to Allah! How beloved Rasûlullâh *sallallâhu 'alayhi wa sallam* is to Him.

The one who is able to (fulfil the rights of a wife) should marry. As for the one who does not have sufficient wealth (to fulfil the rights of a wife), he should fast. That is, he should fast so that there will be a decrease in his desires. Fasting is actually a means of curbing his desires. If a person does not have a very dire need for women, and instead has an average need, and he is able to pay for her basic necessities, then *nikâh* is *sunnat-e-mu'akkadah* for such a person. As for the person who has a very urgent need, *nikâh* will be *fard* upon him. This is because there is a fear that he will commit adultery and thereby get the sin of committing a *harâm* act. If a person has a very urgent need but is financially incapable of maintaining a wife, then such a person must fast abundantly. Later, when he has sufficient funds to maintain a wife, he must get married.

3. It is mentioned in a Hadith that children are the flowers of *jannah*. This means that the amount of joy and happiness one will experience on seeing the flowers of paradise, that same amount of joy and happiness is experienced when he looks at his children. And we know fully well that children can only be obtained through marriage.

4. It is mentioned in a Hadîth that when the status of a person is increased in *jannah*, he asks out of wonder : "How did I receive all this?" (That is, "How did I receive such a high status when I hadn't carried out so many good deeds to deserve such a status?") It will be said to this person that this high status is on account of your children asking for forgiveness on your behalf. In other words, your children had asked for forgiveness on your behalf. In return for that, you have been accorded this status.

5. It is mentioned that the child who is born out of a miscarriage (i.e. it is born before the due date) will "fight"(wrangle) with its Creator when its parents are entered into *jahannam*. In other words, this child will go to extremes in interceding on behalf of its parents and will ask Allah Ta'âlâ to remove its parents from *jahannam*. Through His bounty, Allah Ta'ala will accept the intercession of this child and He will be soft and lenient towards it. It will be said to this child : "O *siqt* (which means, miscarried foetus) who is quarrelling with its Lord! Enter your parents into *jannah*." So this child will draw its parents out of *jahannam* with its navel cord and enter both of them into *jannah*. We learn from this, that children of this sort, who are actually a by-product of marriage, will also be of help in the hereafter.

6. It is mentioned in a Hadith that when the husband and wife look at each other (with love), Allah Ta'âlâ looks at both of them with mercy.

7. It is mentioned in a Hadith that Allah Ta'âlâ has taken it upon Himself (i.e. out of His mercy, He as taken the responsibility) of helping the person who gets married in order to attain purity from that which Allah has made *harâm*. In other words, the person who marries in order to save himself from adultery with the intention of obeying Allah Ta'âlâ, Allah will help and assist him in his expenses and other affairs.

8. It is mentioned in a Hadîth that two rak'ats of salât performed by a married person is better than 82 rak'ats performed by an unmarried person. In another Hadith, 70 rak'ats have been mentioned instead of 82 rak'ats. It is possible that this means that 70 rak'ats are written in favour of the person who fulfils the necessary rights of his wife and family, and that 82 rak'ats are in favour of the person who

apart from fulfilling their necessary rights, serves them more with his life, wealth and good habits.

9. It is mentioned in a Hadîth that it is a major sin for a person to be neglectful with regard to those whom he is responsible for (and to have shortcomings in fulfilling their needs).

10. It is mentioned in a Hadîth that Rasûlullâh *sallallâhu 'alayhi wa sallam* said : "I have not left behind any test and tribulation on men more harmful than women." In other words, of all the things that are harmful for men, women are the most harmful. This is because, out of his love for a woman, a man loses all his senses, so much so that he does not even take the commands and orders of Allah Ta'âlâ into consideration. Therefore, a person must not fall in love with a woman in such a way that he has to act contrary to the *Sharî'ah*. For example, her demands for her food and clothing are more than what the husband can afford. In such circumstances, never accept any bribes in order to supplement your present income. Instead, give her from the *halâl* earnings which Allah Ta'âlâ has blessed you with. You should continue teaching your womenfolk and inculcate respect and good manners in them. Do not allow them to become impudent and disrespectful. The intellect of women is deficient, it is therefore incumbent to take special measures in reforming them.

11. It is mentioned in a Hadîth that you should not propose to a girl when your fellow Muslim brother has already proposed to her until he gets married or gives up this proposal. In other words, when a person has sent a proposal to a particular family and there is a likelihood of their replying in the affirmative, another person should not send a proposal to that same family. However, if they reject this first person, or he himself changes his mind, or they are not too happy with him and are still hesitant in giving a reply, it will be permissible for another person to send a proposal for the same girl.

The same rule applies to the transactions of buying and selling. That is, if a person is busy buying or selling something, then as long as they do not separate or abandon the transaction, another person should not enter into their transaction and should not offer a price above or below that which has been already offered when there is an indication that they are about to come to an agreement. Understand this well, and know that a *kâfir* is also included in this rule.

12. It is mentioned in a Hadith that a woman is either married because of her *Dîn*, her wealth or her beauty. Choose the one with *Dîn*, may your hands become dusty. In other words, a man may prefer a woman who is religiously inclined. While another may prefer one who is wealthy. While yet another may prefer one who is beautiful. However, Rasûlullâh *sallallâhu 'alayhi wa sallam* says that one should choose a religiously inclined woman and that it is preferable to marry such a woman. However, if the circumstances are such that a woman is very pious but at the same time she is so ugly that one's nature does not find her acceptable and there is a fear that if he marries such a woman there will be no mutual understanding between them, and that he will be neglectful in fulfilling her rights, then in such a case he should not marry such a woman. "May your hands become dusty" is an Arabic mode of expression which is used on different occasions. In this context, it is meant to create a yearning and a desire for a pious woman.

13. It is mentioned in a Hadîth that the best wife is one whose *mahr* is very simple. That is, it is very easy for the man to fulfil her *mahr*. These days, there is the habit of specifying a very high *mahr*. People should abstain from this.

14. It is mentioned in a Hadîth that you should look for a good place for your sperms because a woman gives birth to children that resemble her brothers and sisters. In other words, marry a woman who comes from a pious and noble family because the children generally resemble the maternal relations. Although the father also has some influence over the child's resemblance, we learn from this Hadîth that the mother's influence is greater. If the wife is from a disreputable and irreligious family, the children who will be born will be similar to that family. But if this is not so, then the children who will be born will be pious and religious.

15. It is mentioned in a Hadîth that the greatest right that a woman has to fulfil is to her husband, and that the greatest right that he has to fulfil is to his mother. In other words, after the rights of Allah and His Rasûl *sallallâhu 'alayhi wa sallam* the woman has a very great right to fulfil to her husband, so much so that the husband's rights supersede the rights of her parents. As for the man, after the rights of Allah and His Rasûl *sallallâhu 'alayhi wa sallam*, the greatest right that he has to fulfil is to his mother. We learn from this that the right of the mother supersedes that of the father.

16. It is mentioned in a Hadîth that if anyone of you wishes to engage in sexual intercourse with his wife, he should recite the following *du'â* :

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!

The virtue of this *du'â* is that if a child is conceived through this intercourse, *shaytân* will not be able to harm this child in any way.

17. There is a lengthy Hadîth in which Rasûlullâh *sallallâhu 'alayhi wa sallam* addressed 'Abdur Rahmân bin 'Auf *radiyallâhu 'anhu* asking him to have a *walîmah* even if it is with one sheep. In other words, even if you possess very little, you should spend. It is preferable to have the *walîmah* after engaging in sexual intercourse with one's bride. However, many *'ulamâ* have permitted it immediately after the *nikâh* as well. It is *mustahab* to have a *walîmah*.

Glossary

Explanation of Islamic Terms

'Âlim : One who has attained a considerable amount of Islamic knowledge. He could also be referred to as an Islamic scholar.

Barakah : Literally means "blessings". It refers to the experiencing of abundance in things which are apparently insignificant or little, both in value and amount.

Bid'ah : Literally means "innovation". In Islam it refers to introducing new things into religion which have no basis in the Quran or Sunnah, and in addition to this, to regard these new things as acts of 'ibâdah. A bid'ah is a major sin in Islam.

Du'â ul-maghfirah : Supplicating to Allah Ta'âlâ and asking Him for His forgiveness.

'Îlâ' : Annulment of a marriage after the husband's sworn testimony to have refrained from sexual intercourse with his wife for a period of at least four months. For further details, refer to the chapter on 'îlâ'.

Far<u>d</u> : Literally means "compulsory". In Islam it refers to those acts and things which are compulsory on a Muslim. Abandoning or abstaining from a fard act is a major sin. Rejecting a fard act amounts to kufr.

Fatwâ : A formal legal opinion or verdict in Islamic law.

Ghayr ma<u>h</u>ram : Refers to all those persons with whom marriage is permissible. Based on this, it is incumbent to observe purdah with all ghayr ma<u>h</u>rams.

Ghîbah : Slander or backbiting.

<u>H</u>ay<u>d</u> : Monthly periods or menstruation experienced by a woman.

<u>H</u>ajj : Literally means "pilgrimage". In Islam it refers to the annual pilgrimage to Makkah.

<u>H</u>alâl : That which is lawful or permissible in Islam.

<u>H</u>arâm : That which is unlawful or prohibited in Islam.

<u>H</u>ûr : Refers to the large-eyed women of jannah, promised to the believers.

'Ibâdah : Literally means "worship". In Islam it refers to all those acts of worship which one renders to Allah Ta'âlâ.

'Iddah : A period of waiting during which a woman may not remarry after being widowed or divorced. For further details, refer to the chapter on 'iddah.

I<u>h</u>râm : Two pieces of unstitched cloth donned by the person performing <u>h</u>ajj or 'umrah.

Jahannam : Hell.

Jamâ'ah : A group, party, community.

Jannah : Paradise.

Kâfir : Literally means "a disbeliever". In Islam it refers to one who rejects Allah and does not believe in Mu<u>h</u>ammad *<u>s</u>allallâhu 'alayhi wa sallam* as the final messenger of Allah.

Kaffârah : Literally means "penance, atonement, expiation". In Islamic law it refers to redemption from the omission of certain religious duties by a material donation or a ritual act. For further details, refer to the chapter on kaffârah.

Khula' : Divorce at the instance of the wife who must pay a compensation. For further details, refer to the chapter on khula'.

Kuffâr : Plural of kâfir.

Li'ân : Sworn allegation of adultery committed by either husband or wife. For further details, refer to the chapter on li'ân.

Madrasah : Literally means "a school". Also used to refer to a religious school.

Maghrib : Literally means "evening or sunset". Also refers to the time of sunset and the salât that is offered thereafter.

Mahr : Dower or bridal money.

Mahram : Refers to the person with whom marriage is not permissible and with whom strict purdah is not incumbent.

Mahrul mithl : The dower or bridal money that is equal to or similar than that which was given to a girl's paternal grandmothers. For further details, refer to the chapter on mahrul mithl.

Masâ'il : Plural of mas'ala.

Mas'ala : Literally means "an issue, problem or question". In Islamic jurisprudence, it refers to a rule or regulation.

Mustahab : Literally means "preferable or desirable". Refers to that act which was carried out by Rasûlullâh *sallallâhu 'alayhi wa sallam* or the Sahâbah occasionally. Carrying out these actions entails reward and leaving them out does not entail punishment.

Nafl : Optional.

Nadhr : A vow or solemn pledge.

Nifâs : Refers to the flowing of blood after child-birth.

Nikâh : Marriage.

Purdah : An Urdu word meaning "seclusion". It is an equivalent of the Arabic word "hijâb". Refers to the seclusion of women from strangers. There are different stages of purdah, the highest of which is that the woman should not come out of her home except for a valid Islamic reason.

Qadâ' : Literally means "carrying out or fulfilling". In Islamic jurisprudence it refers to fulfilling or completing those duties that one may have missed out due to some reason or the other.

Qadiani : A heretical sect which regards Mirza Ghulam Ahmad Qadiani as a prophet of Allah. Qadianis are regarded as disbelievers.

Qiblah : The direction in which one faces when offering salât.

Qurbâni : Literally means "sacrifice". In Islam it refers to the sacrificing of animals solely for the pleasure of Allah Ta'âlâ on the day of 'îd ul-a<u>d</u>'<u>h</u>â and the two days following it.

Ra<u>h</u>mah : Mercy.

Rama<u>d</u>ân : The ninth month of the Islamic calendar which is regarded as the most sacred month.

Salâm : Literally means "peace".

Sharî'ah : The Islamic Law.

Shay<u>t</u>ân : Satan or the devil.

Shî'ah : A heretical sect found primarily in Iran.

Sunnat-e-

Mu'akkadah : Refers to those actions which Rasûlullâh *<u>s</u>allallâhu 'alayhi wa sallam* carried out continuously. It is a sin to leave out such a sunnah without any valid excuse.

Sunni : Refers to those who belong to the Ahlus Sunnah wal Jamâ'ah. This term is generally used as an opposite to Shî'ah.

Surmah : Antimony. A black powdery substance that is applied to the eyes. It is sunnah to apply surmah.

<u>T</u>alâq : Divorce.

<u>T</u>alâq-e-

kinâyah : A divorce that is issued in vague terms without clearly uttering the words of <u>t</u>alâq.

<u>T</u>alâq-e-<u>s</u>arîh : A divorce that is issued in clear terms without leaving any vagueness or doubt.

<u>T</u>alâqul bâ'in : A divorce which causes the annulment of the marriage. If a person wishes to retain his wife to whom he had issued a <u>t</u>alâqul bâ'in, he will have to remarry her, i.e. their nikâh will have to be re-performed.

<u>T</u>alâqul

mughallazah : A divorce which not only causes the annulment of the marriage, but if the couple wish to remarry, the woman will have to marry another person first, when he divorces her or passes away, only then can she remarry her first husband.

Talâqur raj'î : A revocable divorce.

For further details with regard to all the above forms of talâq, refer to the relevant chapters.

'Ulamâ : Plural of 'âlim.

'Ummah : Literally means "community or nation". Here it refers to the Muslim community and nation.

Wâjib : Literally means "obligatory". In Islamic jurisprudence it refers to that act which has not been established by an absolute proof. Leaving out a wajib without any valid reason makes one a fâsiq and entails punishment.

Wali : In the context of marriage or divorce, it refers to the legal guardian of a minor.

Walîmah : Refers to the feast that is organized after a marriage. It usually takes place after the bride and bride groom have spent a night together.

Wudû' : Literally means "purity or cleanliness". In Islamic terminology it refers to the act of washing oneself before offering salât.

Zihâr : Likening one's wife to one's mother. It is a form of divorce. For further details, refer to the chapter on zihâr.